

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
(Philadelphia)**

IN RE:

Genene Geddes,

Debtor.

NewRez LLC d/b/a Shellpoint Mortgage
Servicing

Creditor/Movant.

v.

Kenneth E. West

Respondent.

CHAPTER 13

CASE NO.: 24-10188-pmm

HEARING DATE: March 6, 2025

TIME: 9:30 am

**OBJECTION OF NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING TO
THE CONFIRMATION OF THE DEBTOR'S CHAPTER 13 PLAN**

Movant, NewRez LLC d/b/a Shellpoint Mortgage Servicing ("Shellpoint"), by and through its attorneys Hill Wallack LLP, hereby objects to the confirmation of the Debtor's filed Amended Chapter 13 Plan ("Plan") as follows:

1. NewRez LLC d/b/a Shellpoint Mortgage Servicing is the holder of a Note and Mortgage on real property owned by Genene Geddes, ("Debtor") at 39 West Wynclyffe Avenue, Clifton Heights, PA 19018 (the "Property").

2. As of January 19, 2024, the date that the instant bankruptcy was filed, the amount due to Shellpoint was \$302,954.85, which is stated on the filed Proof of Claim filed on March 29, 2024.

3. Debtor states in their Chapter 13 Plan (the "Plan") that Shellpoint will not receive any distribution from the Trustee.

4. The Debtor's plan as proposed appears to contemplate that there will be no cure for the pre-petition arrears of Shellpoint Mortgage Servicing unless or until a Loan Modification is achieved. The requirements of 11 U.S.C § 1322(d) do not allow for payment over a period longer than 5 years. Moreover, the debtor is obligated to cure the arrears due to the objecting creditor within a reasonable time pursuant to 11 U.S.C § 1322(b)(5). Accordingly, in the event that the ongoing loss mitigation efforts are not successful, the plan fails to satisfy the confirmation requirements of 11 U.S.C § 1325(a)(1).

5. The Debtor's plan does not propose to make any regular post-petition mortgage payments to Shellpoint Mortgage Servicing pending the review of Loss Mitigation, but instead provides for adequate protection payment in the amount of \$1,650.00 per month. The Debtor has been in this bankruptcy over a year and they have had ample time to attempt to modify the loan without any success or make arrangements to pay.

6. As a result of the foregoing, the Debtor's Chapter 13 Plan is not confirmable as the Plan fails to adequately provide for the claim of Shellpoint. As such, Shellpoint objects to the confirmation of the Debtor's Chapter 13 Plan.

For the foregoing reasons, Carrington respectfully suggests that the Debtor cannot confirm their Chapter 13 Plan as proposed, and Confirmation should be denied.

Respectfully submitted,

/s/Kaitlin D. Shire, Esq

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ORDER

AND NOW, this _____ day of _____, 2025, upon consideration of the Debtor's Chapter 13 Plan, and the objection of NewRez LLC d/b/a Shellpoint Mortgage Servicing, and after hearing, it is hereby: **ORDERED** that confirmation of the Debtor's Chapter 13 Plan is denied.

BY THE COURT:

Patricia M. Mayer
U.S. BANKRUPTCY JUDGE

Genene Geddes 39 West Wynccliffe Avenue Clifton Heights, PA 19018 Debtor VIA REGULAR MAIL	KENNETH E. WEST Office of the Chapter 13 Standing Trustee 190 N. Independence Mall West Suite 701 Philadelphia, PA 19106 Chapter 13 Trustee VIA ECF
TIMOTHY ZEARFOSS Law Office of Timothy Zearfoss 1601 Spring Garden Street Unit G117 19130 Philadelphia, PA 19130 Counsel to Debtor VIA ECF	United States Trustee Office of United States Trustee Robert N.C. Nix Federal Building 900 Market Street Suite 320 Philadelphia, PA 19107 U.S. Trustee VIA ECF

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**CERTIFICATE OF SERVICE OF OBJECTION TO CONFIRMATION OF THE DEBTOR'S
FILED CHAPTER 13 PLAN**

I certify under penalty of perjury that I served or caused to be served the above-captioned pleading, Objection to Confirmation of the Debtor's Chapter 13 Plan, on the parties below via First-Class Mail and Electronic Notification on February 5, 2025.

Genene Geddes 39 West Wynccliffe Avenue Clifton Heights, PA 19018 Debtor VIA REGULAR MAIL	KENNETH E. WEST Office of the Chapter 13 Standing Trustee 190 N. Independence Mall West Suite 701 Philadelphia, PA 19106 Chapter 13 Trustee VIA ECF
TIMOTHY ZEARFOSS Law Office of Timothy Zearfoss 1601 Spring Garden Street Unit G117 19130 Philadelphia, PA 19130 Counsel to Debtor VIA ECF	United States Trustee Office of United States Trustee Robert N.C. Nix Federal Building 900 Market Street Suite 320 Philadelphia, PA 19107 U.S. Trustee VIA ECF

Respectfully submitted,

//s/Kaitlin D. Shire, Esq

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